

**IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY**

ORDER

Pursuant to LR 83.14 of the Joint Local Rules of the Eastern and Western Districts of Kentucky, and pursuant to the authority granted by Rule 83, F.R.Civ.P., and upon recommendation of the Joint Local Rules Commission, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

1. That subsection (a) of LR 5.2 be stricken in its entirety, and that a new subsection (a) be adopted in lieu thereof as follows:

(a) Certificate for Filing Discovery Material. A party tendering a discovery request, response, disclosure under F.R.Civ.P. 26(a)(1) or (2), or deposition transcript (“discovery material”) not otherwise required to be filed shall accompany such tendered discovery material with a certificate from the party or counsel that such material will be used in the proceeding, or has been ordered filed by the Court; and shall further certify that a copy of such Certificate for Filing has been served upon all parties or their counsel of record.
2. That subsection (b) of LR 5.2 be stricken in its entirety;
3. That subsection (c) of LR 5.2 be re-numbered as subsection (b) with no changes substantively therein, except editorial to conform its language to the revised language of new subsection (a) and F.R.Civ.P.5(d), as follows:

(b) Custodian of Documents. The party responsible for services of a discovery request, response or disclosure under F.R.Civ.P. 26(a)(1) or (2), is the custodian and must retain the original document. The custodian must provide access to all parties of record during the pendency of the action.
4. That subsection (d) of LR 5.2 be stricken in its entirety.
5. That LR 26.1 be stricken in its entirety;
6. That LR 26.2 be re-numbered as 26.1.

7. That LR 16.1 be amended to read as follows:

The following are exempt from the requirements of Federal Rule of Civil Procedure 16(b):

- (a) an action for review on an administrative record;
- (b) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;
- (c) an action brought without counsel by a person in custody of the United States, a state, or a state subdivision;
- (d) an action to enforce or quash an administrative summons or subpoena;
- (e) an action by the United States to recover benefit payments;
- (f) an action by the United States to collect on a student loan guaranteed by the United States;
- (g) a proceeding ancillary to proceedings in other courts; and
- (h) an action to enforce an arbitration award.

Copies of this Order shall be affixed to every copy of the Courts' Official Rules Book distributed by the Clerk's Office. Upon the next printing of the Rules Book, all changes in Joint Local Rules as set out in this Order shall be included in the new Rules Book. Copies of this Order shall be made available to the various publishing companies that publish the Joint Local Rules of the Eastern and Western Districts of Kentucky and to the public upon request. The changes noted in this Order shall take effect upon entry of this Order.

IT IS SO ORDERED.

**United States District Court
Western District of Kentucky**

vs

CERTIFICATE FOR FILING DISCOVERY

Pursuant to Rule 5.2(a) of the Joint Local Rules of the Eastern and Western Districts of Kentucky, the undersigned hereby certifies that the attached discovery material will be used in the above styled proceeding or has been ordered filed by the Court. Furthermore, a copy of this certificate for filing has been served upon all parties or their counsel of record.

Counsel/Party